

**REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE  
ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND  
BOARD MEETING MINUTES**

February 5, 2009  
Middle School/High School Building  
ASDB Phoenix Campus  
Phoenix, Arizona

I. Call to Order and Roll Call

The public meeting of the ASDB Board of Directors was called to order at approximately 5:30 p.m. by Board President Orlenda Roberts.

**Present:** Orlenda Roberts, Clifford Rowley, Michael Williams, Kacey Gregson, Mary Michaelis, Sami Hamed.

**Present Via Speakerphone:** Sherri Collins, Frank Hernandez, Ray Mungaray

**Also Present:** Superintendent Harold Hoff, and Jennifer Pollock and Kim Anderson of the Arizona Attorney General's Office.

II. Election of Board Officers for Consideration and Possible Action

Board President Orlenda Roberts called for nominations for the office of Board President.

***It was moved by Michael Williams to elect Sherri Collins as Board President, seconded by Orlenda Roberts.***

*It was move by Ray Mungaray to elect Sami Hamed as Board President, seconded by Frank Hernandez.*

***It was moved by Michael Williams, seconded by Kacey Gregson, and unanimously carried that the Board of Directors close nominations for Board President.***

***A vote was taken on the first motion on the table to elect Sherri Collins as Board President and carried by a vote of 5 in favor (Cliff Rowley, Michael Williams, Kacey Gregson, Orlenda Roberts, and Sherri Collins) and 4 opposed (Mary Michaelis, Sami Hamed, Ray Mungaray, and Frank Hernandez).***

Michael Williams, Orlenda Roberts, Kim Anderson, Lauren Peirce, and Ray Mungaray spoke to the issue. ■

Newly elected Board President Sherri Collins called for nominations for Board Secretary/Treasurer.

***It was moved by Frank Hernandez to elect Mary Michaelis as Board Secretary/ Treasurer, seconded Ray Mungaray.***

*It was moved by Orlenda Roberts to elect Kacey Gregson as Board Secretary/Treasurer, seconded by Michael Williams but no vote taken since first motion on the table passed.*

***It was moved by Sami Hamed, seconded by Ray Mungaray, and unanimously carried that the Board of Directors close nominations for Board Secretary/Treasurer.***

***A vote was taken on the first motion on the table to elect Mary Michaelis as Board Secretary/Treasurer and was defeated by a vote of 5 opposed (Cliff Rowley, Michael Williams, Kacey Gregson, Orlenda Roberts, and Sherri Collins) and 4 in favor (Mary Michaelis, Sami Hamed, Ray Mungaray, and Frank Hernandez).***

***A vote was taken on the second motion on the table to elect Kacey Gregson as Board Secretary/Treasurer and was carried by a vote of 5 in favor (Cliff Rowley, Michael Williams, Kacey Gregson, Orlenda Roberts, and Sherri Collins), 3 opposed (Sami Hamed, Ray Mungaray, and Frank Hernandez), and 1 abstention (Mary Michaelis).***

Board President Sherri Collins requested newly elected Board Secretary/Treasurer Kacey Gregson to preside over the meeting since Ms. Collins was participating by phone and not physically present. Ms. Gregson accepted and presided over the remainder of the meeting.

### III. Public Comment on Agenda Items\*\*

Chuck Foy, requested to reserve comments until each item IV.D., IV.E., and IV.F. came up on the agenda.

Discussion Highlights: Public comment on non-agenda items not on the agenda, request to have approval of agenda item on agendas, agenda must be posted 24 hours in advance so cannot put items on the agenda last-minute.

Mary Michaelis, Kim Anderson, Orlenda Roberts, and Lauren Peirce spoke to the issue.

### IV. Business Agenda

A. Complaint Regarding Dissemination to the Public of a Communication Sent to the ASDB Board Regarding the Superintendent's Retirement

***It was moved by Orlenda Roberts, seconded by Ray Mungaray, and unanimously carried that the Board of Directors adjourn to executive session pursuant to A.R.S. 38-431.03(A)(3) for purposes of discussion/consultation for legal advice with the Board's attorneys.***

The Board adjourned to executive session at approximately 5:48 p.m. and reconvened the public session at approximately 5:58 p.m.

Kacey Gregson reminded the Board that sign language interpreters have requested that Board members speak one at a time.

At Mr. Williams' request since not all Board members received a copy of the complaint, Ms. Mary Michaelis read aloud the complaint the Board received dated February 4, 2009 regarding the dissemination to the Public of a communication sent to the ASDB Board alleging Board member violation of ADSB Board communication policies.

***It was moved by Mary Michaelis, seconded by Michael Williams, and unanimously carried that the Board of Directors adjourn to executive session pursuant to A.R.S. 38-431.03(A)(3) for purposes of discussion/consultation for legal advice with the Board's attorneys.***

The Board adjourned to executive session at approximately 6:05 p.m. and reconvened the public session at approximately 6:25 p.m.

Sami Hamed spoke to the issue.

- B. Delegation of Authority to the ASDB Board President to Appoint the Assistant Superintendent to an Acting Detail Assignment to Serve as Acting Superintendent Upon an Unexpected Vacancy in the Superintendent Position

It was moved by Sami Hamed, seconded by Frank Hernandez, that the Board adjourn to executive session pursuant to A.R.S. 38-431.03(A)(1) for legal advice with the Board's attorneys as it relates to the assignment/appointment of the Assistant Superintendent.

Sami Hamed withdrew his motion and Frank Hernandez withdrew his second.

Mary Michaelis, Ray Mungaray, Michael Williams, Frank Hernandez, Orlenda Roberts, Sami Hamed, Harold Hoff, and Kacey Gregson spoke to the issue.

Discussion Highlights: Purpose for this item being on the agenda, pros and cons to recommended motion to appoint Assistant Superintendent until such time the full Board can act in this matter, emphasis on the fact that this is a short-term action.

***It was moved by Mary Michaelis, seconded by Sami Hamed, and unanimously carried to table this item until the next meeting.***

- C. Update Regarding the Open Meeting Law Complaint Concerning June 9, 2008 ASDB Board Meeting for Consideration and Possible Action

Kacey Gregson noted that the AG's Law Enforcement team has found the complaint to be unsubstantiated and the file is being closed on the Open Meeting Law Complaint.

***It was moved by Mary Michaelis, seconded by Michael Williams and unanimously carried that the Board of Directors accept the findings of the Attorney General's Open Meeting Law Enforcement Team.***

D. Update on Legislation to Make ASDB a Covered Agency Under the Personnel Rules of the Department of Administration for Consideration and Possible Action.

Harold Hoff, Mark Carroll, Michael Williams, Chuck Foy, Sami Hamed, Ray Mungaray, and Orlenda Roberts spoke to the issue.

Public Comment: Chuck Foy, CWA Political Director, requested his public comment be a dialog as opposed to a presentation of information and requested an extension of time for his public comment. Mr. Foy spoke to the huge price tag on implementing HB2747. He commended Dr. Hoff, his staff, along with those with Arizona Department of Administration, who worked to get an actual price tag on the implementation of this legislation. He believes the statutory changes resulting from HB2747 will not be implemented so ASDB will not come under ADOA jurisdiction as of July 1, 2009. He stated that CWA is not pushing for that or trying to find the funds for that, and believes they have found an alternative by dropping legislation HB2488 this legislative session. Mr. Foy explained that the intent of HB 2747 was not to harm ASDB employees. He noted the whole thing spiraled out of control when the Arizona Department of Administration became involved.

Upon discussion/questions from the Board, Mr. Foy provided additional information regarding HB 2488, including but not limited to: The legislation changes (1) the appeals of certain ASDB disciplinary actions, placing ASDB under personnel board and whistleblower statutes, and (2) changes the probationary period for certain ASDB employees. The bill has received no opposition and has not been assigned to Committee. Mr. Foy requested Board support on a bill. There are ongoing meetings with Dr. Hoff to work on the contents/language of the bill. CWA is still open to discussion regarding the Superintendent's request for conditional repeal of the legislation. There is time to amend HB2488 and not opposed to continuing that dialog and making sure CWA gets it right this time. Legislation HB 2488 that has been dropped and sponsored by Representative Farley, signed on by Representative Waters, and co-sponsored by Senator Verschoor with agreement from Senator Verschoor to hold one of his bills as a striker if needed. House Speaker, Majority Leader and Majority Whip and Mr. Krandall of the Charity Education Committee agreed to hear the bill and assured the bill will get out of the education to apply to the floor. No 9<sup>th</sup> floor opinion yet but Mr. Foy will be meeting with them. No assignments yet. There is no sunset clause so legislation could be introduced in the future to place ASDB under ADOA, but for now the funding is not available to implement. Conditional repeal requested by the Superintendent.

Superintendent Hoff explained the two facets of HB 2747 of (1) cost & (2) and making ASDB a covered agency. While cost is prohibitive in adopting statutory changes, the issue of making ASDB a covered agency is not settled. The Superintendent will continue to lobby in the best interests of ASDB.

Mr. Mark Carroll, Assistant Program Director, provided a presentation on the history of HB2747, ASDB's role in the transition planning, explanation of the conditional enactment clause of certain statutes as a result of the legislature passing HB2747, final confirmation of associated costs confirms Dr. Hoff's initial cost estimates as presented to the Board.

Superintendent Hoff talked about the second facet of HB2747 and recommended that the language of the legislation introduced by Mr. Foy include language to repeal the statutes/legislation as it relates to ASDB being a covered agency. Dr. Hoff explained the total program would not be implemented the way it is written but another bill or and amendment could be introduced and put ASDB under ADOA (a non-cost item).

Sami Hamed, Michael Williams, Kacey Gregson, Harold Hoff, Ray Mungaray, Mark Carroll, Orlenda Roberts, Sherri Collins, and Mary Michaelis spoke to the issue.

E. First Reading of ASDB's Disciplinary Policy GCPD/GDPD and Approval to Pursue Legislation to Allow ASDB Employees to Appeal Disciplinary Actions to the State Personnel Board for Consideration and Possible Action

Public Comment: Mr. Chuck Foy explained that HB2488 removes the responsibility of the ASDB Board to hear demotions, terminations and more than 40-hour suspensions of employees and places with the State's Personnel Board. Hearings before the SPB normally are handled within 3 months from start to finish, and that Personnel Board agrees they can assume appeals from ASDB. Mr. Foy again asked the Board to support HB 2488 with the understanding that other issues can be addressed and roled into the bill.

Frank Hernandez, Harold Hoff, Michael Williams, Kim Anderson, Kacey Gregson, Orlenda Roberts and Sami Hamed spoke to the issue.

*It was moved by Michael Williams, seconded by Sami Hamed, and carried with a vote of 8 in favor and 1 abstention (Cliff Rowley) to remove ASDB's exemption from the State's Personnel Board as it relates to appeal of termination, suspensions for more than 40 hours, and demotions as recommended by the Superintendent.*

F. First Reading of ASDB's Probationary Policy and Superintendent's Recommendation to Consider the Reduction of the Probationary Period From Three Years to One to Two Years for Certain ASDB Positions

Public Comment. Chuck Foy made himself available to respond to questions on this agenda item as part of public comment. Mr. Foy agreed that two years for teachers may not be sufficient. Expressed appreciation to Superintendent Hoff for his willingness to work together in a positive manner, and again thanked staff for the hard work that ensued as a result of the passing of HB2747.

Sami Hamed, Michael Williams, Harold Hoff, Mary Michaelis, Orlenda Roberts and Kim Anderson spoke to the issue.

Discussion Highlights: Superintendent's recommendation to reduce non-certificated (non-teaching) staff probation from three years to one year and probation to remain three years for certificated staff who are being referred to as "teachers" but is not limited to teachers. Establishment of a Superintendent's committee to look at these recommendations and suggested makeup of the Committee. Without seeing newly introduced legislation HB 2488, the Board is not in a position to act on the legislation.

G. Approval of FY 2009 Prop 301 Plan for Consideration and Possible Action

It was moved by Sami Hamed, seconded by Mary Michaelis that the Board of Directors table this item.

Superintendent Hoff explained that Board action was necessary at this time since the Department of Education extended the deadline to ASDB to submit this plan to the Board at their February meeting.

Sami Hamed withdrew his motion and Mary Michaelis withdrew her second.

Faye West, Robert Hill, Frank Hernandez, Mary Michaelis, Sami Hamed, Kacey Gregson, and Harold Hoff spoke to the issue.

Discussion Highlights: The eligibility list approved by the Board last year remains the same this year, eligibility was not reviewed by the Committee this year but will be reviewed for next year, the requirement by Arizona Department of Education for the Board to approve the Prop 301 criteria/plan, ASDB staff will check to see if Orientation and Mobility Specialists were on the '08 Board-approved list, AG's definition of teacher as it relates to Prop 301.

It was moved by Sami Hamed, seconded by Ray Mungaray that the Board of Directors approve this Prop 301 Plan for Use by the Prop 301 Committee with the request they come back with a recommendation at a future date.

Mr. Hamed withdrew his motion and Mr. Mungaray withdrew his second.

***It was moved by Sami Hamed, seconded by Michael Williams, and unanimously carried that the Board of Directors approve the Prop 301 Criteria as submitted by the Committee***

Orlenda Roberts left at approximately 7:32 p.m. and returned at approximately 7:35 p.m.

H. Approval of Right-Of-Way Application #14-108489 for Consideration and Possible Action

Mary Michaelis abstained due to possible conflict of interest.

***It was moved by Sami Hamed, seconded by Frank Hernandez, and carried with a vote of 8 in favor and 1 abstention (Mary Michaelis) that the Board of Directors approve Right of Way Application #140197478 as submitted by the State Land Department.***

I. Second Reading and Approval of Section J Policies for Consideration and Possible Action– (Exhibit 09)

***It was moved by Mary Michaelis, seconded by Sami Hamed, and passed with a vote of 8 in favor and 1 abstention (Cliff Rowley) that the Board of Directors approve the policies as presented.***

V. Consent Agenda for Consideration and Possible Action

- A. Confirmation of the December 4, 2008 Board Meeting Minutes
  - B. Approval of Contracts and/or Agreements with In Concert!/Tucson Friends of Traditional Music, Jeanie C. Linders Fund, Pima County JTED District #11, Chamber Music Plus Southwest, Arizona Rose Theatre Company, Southern Arizona Youth Football, Fowler School District #45, Littleton Elementary District #65, Tucson Jazz Society, Danswest Dance Productions, Mingus Union High School, Ash Fork Joint Unified School District and Special Olympics Arizona.
- B. Approval to Accept Donations and/or Grants from Tucson Downtown Sertoma Club, Mesker Door, Inc., Valley of the Sun United Way, the Landsburg Foundation, The Hare Charitable Foundation and William W. Alexander.
- C. Approval of Additional Out-of-State Student Travel and Student Fundraising for SY 08-09 – (Exhibit 9)

***It was moved by Mary Michaelis, seconded by Frank Hernandez, and unanimously carried that the Board approve the consent agenda with one exception that consent agenda items should be A., B., C., and D, and not A., B., B., and C.***

Chuck Foy asked for clarification noting that the Board did not act on agenda item IV.F. regarding the probationary period.

***It was moved by Sami Hamed, seconded by Michael Williams, that the Board of Directors reconsider the question and reopen agenda item IV.F.***

Sami Hamed and Michael Williams called for a point of order.

Discussion Highlights: Mr. Foy thought there was a motion and a second on the table for agenda item IV.F, but no vote taken. He requested the Board to support this legislation as written right now and only include a probationary period for classified (non-teaching) staff, noting that teachers are not included in the legislation. He will wait on recommendations of the Superintendent's Committee on where to go with the probationary period for teachers. Based upon the recommendation, there may be a need to amend HB 2488 to include the teachers.

Michael Williams, Mary Michaelis, Ray Mungaray, Orlenda Roberts, Kim Anderson, and Chuck Foy spoke to the issue.

***It was moved by Mary Michaelis, seconded by Sami Hamed, and unanimously carried that the Board of Directors support the concept of a one-year probationary period for classified staff.***

VI. Superintendent's Report for Consideration and Possible Action

- A. Summary of Current Events
- B. Financial Update and State Budget Shortfall Impact on ASDB

Harold Hoff noted the summary of current events.

Mark Carroll provided a financial update including but not limited to, the State Budget Deficit, budgetary reductions to ASDB for FY 2009, and anticipation of FY 2010 budget reductions.

Superintendent Hoff thanked Mr. Michael Williams and Mr. Greg Patterson of FBC who were very instrumental in getting funding reinstated to ASDB's FY 2009 budget.

Sami Hamed spoke to the issue.

Michael Williams left at approximately 8:08 p.m.

## VII. Adjournment

***It was moved by Sami Hamed, seconded by Mary Michaelis, and unanimously carried that the Board meeting be adjourned.***

The meeting was adjourned at approximately 8:15 p.m.

### EXHIBIT 9 REVISION TO SECTION J POLICIES

OLD CODE	NEW CODE	TITLE	REVISION TYPE	SUMMARY OF REVISIONS
JFABC	JFABC	Admission of Transfer Students	Substantive	House Bill 2563 revised ARS 15-189.03 and 15-701 modifying and adding charter and district schools acceptance of transfer credits. "Core credit" replaces "credit has been accepted...for graduation". Credit that has been denied for graduation may be used as an elective.
JLCB	JLCB	Immunization of Students	Substantive	Hepatitis A immunization requirement deleted - only applies to children in Maricopa County, Statement added regarding duty DHS places on school administrators to review at least twice annually the progress towards immunization requirements of students who have been admitted conditionally pending completion of immunizations. Legal Refs.
JLCB-R	JLCB-R	Immunization of Students	Regulation	Revision of the schedule of required student immunizations and the



				<p>dates the respective immunization requirements take effect. Added are the sequenced deadlines for compliance for students to satisfy immunization requirements for varicella (chicken pox) and meningococcal. Also added is an outline of the reporting requirements for cases, suspected cases, and outbreaks of communicable diseases.</p>
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### Exhibit 10 - Out of State Travel Request - SY 2008-2009

#### OUT OF STATE TRAVEL – Academic Bowl

Feb 12-15 ASD Academic Bowl Team will travel via plane to Salem Oregon, Oregon School for the Deaf to participate in their Academic Bowl. The ASDB contingent will fly into Portland Oregon the day of the competition and return on the final day. This is a 4-day trip for our 2 Teachers and 5 students. All costs of this trip aside from airfare will be paid in advance by Gallaudet University; therefore we do not expect a charge to the students. The remaining cost will be paid by an approved Trust Fund request in the amount of \$3,000.

Permission is being requested to travel out of state.

**Estimated cost of this trip is \$3,000.**

#### OUT OF STATE TRAVEL – RIT National Science Fair

March 20-22 The winners of ASD High School and Middle School Science Fair will travel via plane to Rochester New York, Rochester Institute of Technology, to participate in their National Science Fair. The ASDB contingent will fly into Portland Oregon the day before the competition and return on the day after. This is a 3-day trip for our 2 Teachers and 8 Students. All cost of this trip aside from airfare will be provided by Rochester Institute of Technology; therefore we do not expect a charge to the students.

Permission is being requested to travel out of state.

**Estimated cost of this trip is \$7,000.**

#### OUT OF STATE TRAVEL – 2009 Senior Trip

May 10-14 The members of ASD High School Senior Class will travel via van to 4 Corners and Durango, CO, to participate in camping Fishing and Hiking. The ASDB contingent will rent vans, and drive to 4 corner, camp out, then next day - drive to southwest Colorado (durango area) then cabin for 2 nights, then drive back to Arizona - camp out one more night, then drive back to ASDB. This is a 4-day trip for our 4 Teachers and 18 Students. All cost of this trip will be from fundraising, tax credit monies, and each student is expected to pay a portion of the cost.

Permission is being requested to travel out of state.

## OUT OF STATE TRAVEL – 2009 Jr. NAD National Conference

Nov 4-8 '09 The members of ASD High School and Middle School Jr. NAD Chapter will travel via plane to Austin, TX, to participate in their Jr. NAD Conference. The ASDB contingent will fly into Austin, TX the day before the conference and return on the day after. This is a 6-day trip for our 2 Teachers and 4 Students. All costs of this trip will be from fundraising, tax credit monies, and each student is expected to pay a portion of the cost.

Permission is being requested to travel out of state.

**Estimated cost of this trip is \$7,000.**

## OUT OF COUNTRY TRAVEL – International Studies Class

April 2009 The International Studies class would like to take an international trip in Spring 2009. The International Studies class plans to travel to other countries in April '09. There will be 8 Students and 2 Staff going on the trip. The ASDB contingent will visit 3 European countries via plane and train. The possible destinations for travel for approximately 10 days is from Tucson, Arizona to John F. Kennedy Airport in NYC, onto London, England for 2 or 3 nights, and then take an Euro Star train to Paris, France for 2 or 3 nights. Lastly we will travel to Amsterdam, Netherlands for 2 or 3 nights before heading back to the United States.

All costs of this trip will be from fundraising, tax credit monies, and each student is expected to pay at least \$1000.

Permission is being requested to travel out of the country.